

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

THE VIDEOTAPED DEPOSITION OF
TIMOTHY MAUPIN, produced as a witness on behalf of
the Plaintiff in the above styled and numbered
cause, taken on the 15th day of May, 2008, in the
City of Wichita, County of Sedgewick, State of
Kansas, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

Exhibit 17

TULSA FREELANCE REPORTERS
918-587-2878

69d9db49-1933-4916-a244-595f09264c31

Page 21

1 Q All right. Were any portions of that
2 contract, the terms in that contract negotiated
3 between Rocco and its grower?

4 A The terms in the exact contract were not
5 negotiated.

09:23AM

6 Q Okay. Were there any other consulting duties
7 that you performed besides those that you described?

8 A During the end of 1997 I started to become
9 involved in some environmental training and work for
10 Rocco, I believe 1997.

09:23AM

11 Q Tell me what you did to become environmentally
12 trained.

13 A During that time period I started to attend
14 some meetings. Ended up -- I'm not positive of the
15 date, but I took nutrient management training and
16 certification classes in late 1997, early 1998,
17 during that time frame.

09:24AM

18 Q All right. What meetings did you attend?
19 Describe to the court what those were.

20 A There were meetings being held in that area,
21 extension-type meetings or meetings, state-sponsored
22 meetings with regard to nutrient management.

09:24AM

23 Q When you say nutrient management, is that
24 describing poultry manure, poultry waste; is that
25 what you are referring to as the nutrient?

09:24AM

TULSA FREELANCE REPORTERS
918-587-2878

69d9db49-1933-4916-a244-595f09264c31

Page 150

1 A I don't know that those reports are actually a
2 part of the review process. Certainly it's a piece
3 of a flock supervisor's overall performance.

4 Q The performance of the flock can be related in
5 other documents that Cargill tracks as to the flock; 01:42PM
6 is that a fair statement?

7 A The flock performance can be tracked?

8 Q Yes, sir.

9 A Yes.

10 Q I believe there is a report that says flock 01:42PM
11 performance report, is there not?

12 A Yes. We track flock performance.

13 Q Is that part of the evaluation used for a
14 flock supervisor, that report?

15 A It's probably a piece of their overall flock 01:42PM
16 performance, overall performance review.

17 Q When the flock supervisor goes to the farm, is
18 it true that he will inspect and maybe advise with
19 regard to the temperature control in the barn?

20 MR. EHRICH: Object to the form. 01:43PM

21 A The flock supervisor on his visit to the farm
22 would look at temperature, that's correct.

23 Q And would they look at the ventilation and
24 controls of the ventilation?

25 A Yes. 01:43PM

TULSA FREELANCE REPORTERS
918-587-2878

69d9db49-1933-4916-a244-595f09264c31

1 Q Would they look at the water supply to the
2 birds?

3 A Yes.

4 Q And that would include the height of the
5 nipples that the birds receive that water from, that
6 sort of thing?

01:43PM

7 A Yes.

8 Q And would the flock supervisor also check on
9 the delivery of the feed to the birds?

10 A Yes, there would be feed there, yes.

01:43PM

11 Q And know that it's being appropriately managed
12 for their needs?

13 A He wouldn't be involved in the actual delivery
14 of feed or that process, but he certainly would
15 know -- he or she would know if there's feed on the
16 farm.

01:44PM

17 Q And he would be able and see that it's
18 operating -- that the units that feed the feed
19 automatically to the troughs are operational, that
20 sort of thing?

01:44PM

21 A Yes.

22 Q All right. Does the flock supervisor also
23 give instruction or advice with regard to the
24 condition of the litter that's in the barn?

25 MR. TUCKER: Sorry, was in --

01:44PM

1 MR. GARREN: The condition of the litter
2 that's in the barn.

3 MR. TUCKER: I misunderstood your word.
4 Thank you.

5 MR. EHRICH: Did you hear the question? 01:44PM

6 A Yes, that's possible.

7 Q As part of the flock supervisor's duties, they
8 may from time to time advise of doing something with
9 the litter that's in the barn in order to improve
10 the health of the birds or for some other reason? 01:44PM

11 A They certainly could make that suggestion if
12 they felt like there was an issue there that
13 affected flock health.

14 Q Cargill supplies the catchers and the trucks
15 to pick up the birds when that's done; is that 01:45PM
16 correct?

17 A We supply those things. We don't necessarily
18 own those operations.

19 Q Okay. The grower is not doing that out of
20 pocket? 01:45PM

21 A No.

22 Q Rocco and Cargill -- let me just ask, Rocco
23 has what is referred to as a best management
24 practices for growing its birds?

25 A Yes, had. 01:45PM

1 search the hard drive on your computer for either
2 documents or data or E-mails and pull those off?

3 A I think they did it that way, but I think they
4 also do it through the system.

5 Q Okay. Do you know that they did it from your 04:15PM
6 hard drive also if materials were stored on your
7 hard drive?

8 A I don't know the answer to that. They've done
9 it several times. I don't know the answer.

10 Q Other than electronically stored information, 04:16PM
11 do you have hard copy files in your office?

12 A Yes.

13 Q And were those hard copy files collected and
14 gathered and produced to requests made by the State
15 of Oklahoma in this litigation? 04:16PM

16 A Yes.

17 Q Do you recall having either of the
18 spreadsheets that we looked at in this Exhibit No. 5
19 in hard copy format found at Page 95366 or 121759?

20 A I don't recall if I had those hard copy or 04:16PM
21 electronic version. Probably one or the other, but
22 I don't know which one.

23 Q Let's go back then to Page 121835 of the same
24 Exhibit No. 5. Did you and Mr. Alsup have a
25 conversation that led to this E-mail being sent to 04:17PM